

Memo

To: Registry Districts
From: Edmund A. Williams
Date: October 1, 2007
Subject: M.G.L. ch. 260, § 33

Effective October 1, 2007, the following procedures are to be followed by the Registry Districts relative to the above referenced statute. See. St. 2006, c. 63, § § 8, 9.

Any registered land mortgage in which no term or maturity date is stated expires in 35 years.

In those mortgages in which a term is stated, it expires 5 years from the stated term or maturity date.

If an extension, acknowledgment or affidavit that the mortgage has not been satisfied has been registered, the period shall continue until 5 years shall have elapsed during which there is not registered any further extension of the mortgage or acknowledgment or affidavit that the mortgage is not satisfied.

Pursuant to ch. 260, § 33:

Upon the expiration of the period provided herein, the mortgage shall be considered discharged for all purposes without the necessity of further action by the owner of the equity of redemption or any other persons having an interest in the mortgaged property and, in the case of registered land, upon the payment of the fee for the recording of a discharge, the mortgage shall be marked as discharged on the relevant memorandum of encumbrances in the same manner as for any other mortgage duly discharged.

Upon written request, registries may now discharge mortgages which meet the above criteria. The attached form is to be filled out upon the payment of the \$75.00 fee, a document number assigned and a discharge notation entered on the Certificate of Title with a reference to M.G.L. ch. 260, § 33.

REQUEST FOR A DISCHARGE NOTATION
PURSUANT TO M.G.L. ch. 260 § 33

Mortgage Document No. / Date: _____

Original Mortgagor: _____

Original Mortgagee: _____

Assignee(s), if any: _____
(Document No. _____)

☐ Stated Term or Maturity Date Which Is: _____

☐ No Stated Term

/s/

Name: _____

Address: _____

Phone: _____